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**COURSE NO. 337-001 WHITE COLLAR CRIME  
FALL 2022**

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**Instructor Information**

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Conor Mulroe

**Course Information**

Schedule: Mondays from 6:05 p.m. to 8:05 p.m. (excluding holidays)

Dates: August 22, 2022 to November 22, 2022

Location: **To Be Determined.**

Office Hours: Please request a meeting 24 hours in advance via email

**Course Description**

This class will teach students both the substance and practice of federal white-collar criminal law, including how white-collar cases are investigated, charged, defended, tried, and otherwise resolved. It will be a blend of theory, substance, and practice – understanding the theories that animate the body of law, the substance of the law as reflected in the United States Code, regulations, and case law, as well as the nuts and bolts of day-to-day practice.

With respect to theory and substance, we will cover the definition and theory behind white-collar crime; individual and corporate criminal liability; privileges; and the various species of fraud that comprise white-collar criminal law, among other things. As for practice, students will learn about investigative techniques, the mechanics of federal criminal litigation (such as warrants, grand jury proceedings, indictments, and plea bargaining), and more.

Our goal is to keep the class as engaging and practical as possible. We will utilize a blend of class lecture, guest speakers, and in-class discussion to teach and reinforce important practical aspects. The syllabus will begin with studying substantive offenses and then focus later on procedural aspects of white collar crime.

**Course Goals**

By the end of this course, you will:

- Understand the background, theory, and legal practice of federal white-collar crime.
- Understand the statutes and substantive law that are commonly applied to white-collar crime.

- Develop skills relevant to the practice of white-collar criminal law, including understanding how the government conducts investigations and obtains information, how white-collar cases are litigated, and how white-collar cases are resolved.

**Course Materials**

- Julie R. O’Sullivan, FEDERAL WHITE COLLAR CRIME: CASES AND MATERIALS, 8<sup>th</sup> Ed. (2022).
- Ellen S. Podgor & Jerold H. Israel, WHITE COLLAR CRIME IN A NUTSHELL, 6<sup>th</sup> Ed.
- Title 18, United States Criminal Code.
- Federal Rules of Criminal Procedure.
- U.S. Department of Justice, JUSTICE MANUAL (*available at* <https://www.justice.gov/jm/justice-manual>).
- Other materials as identified in advance by the instructors.

**Grading**

Grading will be based on a final exam, which will comprise 90% of your grade. The remaining 10% will be based on class participation.

**Course Schedule & Assigned Reading**

\*Reading assignments may be pared back depending on the schedule, and the instructors will notify students accordingly. Unless otherwise specified, you may skip the intervening “Notes” in the O’Sullivan text in any assigned readings. Instructors will point out any relevant notes during class that the students should know.

**\*These pages are based off of the prior editions of the O’Sullivan textbook and the Nutshell. They will be updated before class starts to the most current editions.**

8/22/22	<b>Class One</b>	<b>Introduction to White Collar Crime Corporate Criminal Liability &amp; Individual Liability</b> Chapter 2, pp. 57-59, 94-102 Chapter 4, pp. 155-198
8/29/22	<b>Class Two</b>	<b>Mail, Wire, and Bank Fraud</b> Chapter 7, pp. 383-434 18 U.S.C. §§ 1341, 1343
9/12/22	<b>Class Three</b>	<b>Fraud, Bribery &amp; Gratuities</b> Chapter 8, pp. 466 – 485 (including notes 1-7 on pp. 471-476)

		<b>Honest Services Fraud</b> pp. 434-461
<b>9/19/22</b>	<b>Class Four</b>	<b>FCPA</b> Chapter 8, pp. 515 – 545 (including notes 1-17 on pp. 526-536, and notes 1-3 on pp. 541-542) 15 USC § 78 dd1 – dd3, 78m 18 USC §§ 201, 1951 DOJ Manual § 9-47.120 – FCPA Corporate Enforcement Policy
<b>9/26/22</b>	<b>Class Five</b>	<b>Healthcare Fraud</b> Chapter 5, pp. 291 – 310 31 USC § 3729-30 42 USC § 1320a-7b(b) DOJ Manual § 9-42.440  <b>Tax Crimes</b> Nutshell, pp. 201-217  <b>Computer Crimes</b> Nutshell – pp. 261-270
<b>10/3/22</b>	<b>Class Six</b>	<b>Money Laundering</b> Chapter 12, pp. 683 – 705 18 USC §§ 1956, 1957 DOJ Manual § 9 – 105.000  <b>Obstruction of Justice/False Statements/Perjury &amp; False Declarations</b> Chapter 5, pp. 257 – 291 18 USC §§ 1621, 1623 18 USC §§ 1001 Chapter 6, pp. 323 – 344; 353-358 18 USC §§ 1503, 1505
<b>10/11/22</b>	<b>Class Seven</b>	<b>Conspiracy</b> Chapter 10, pp. 605-634 18 U.S.C. § 371  <b>The Racketeer Influenced and Corrupt Organizations Act</b> Chapter 11, pp. 641-682
<b>10/17/22</b>	<b>Class Eight</b>	<b>Sentencing</b> USSC Guidelines Manual 2018, pp. 1 – 18 Loss Table 2B1.1

		<p><b>Grand Jury Proceedings</b> Chapter 13, pp. 717-755</p>
10/24/22	Class Nine	<p><b>Self-Incrimination</b> Nutshell, pp. 375-442</p> <p><b>Search Warrants</b> Nutshell, pp. 443-455</p> <p><b>A Primer on Attorney Client Privilege and Taint Teams</b></p>
10/31/22	Class Ten	<p><b>Indictments</b> Rule 7 of the Federal Rules of Criminal Procedure</p> <p><b>Prosecutorial Discretion</b> Ellen S. Podgor, "What Kind of a Mad Prosecutor," 41 Vermont L. Rev. 523 (2017)</p> <p><b>Justice Manual Selections</b> To be assigned.</p>
11/7/22	Class Eleven	<p><b>Discovery: <i>Brady</i> and Rule 16</b> Fed. R. Crim. P. 16 Chapter 14, pp. 757-91</p> <p><b>Attorneys Under Scrutiny</b> Executive Summary (pp. 1-31) of the Scheulke Report to Judge Sullivan in <i>United States v. Stevens</i></p> <p><b>Rule 17 subpoenas</b> Chapter 14, pp. 791-93. New York City Bar Association proposal <a href="https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/modernizing-rule-17-of-the-federal-rules-of-criminal-procedure">https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/modernizing-rule-17-of-the-federal-rules-of-criminal-procedure</a>.</p>
11/14/22	Class Twelve	<p><b>Deferred Prosecution Agreements/Internal Investigations</b> Chapter 4, pp. 211-254</p> <p><b>Representation Issues</b> Chapter 18, pp. 927-974</p> <p><b>Plea Bargaining</b> Readings may be assigned.</p>

<b>11/21/22</b>	<b>Class Thirteen</b>	<b>Review Class</b>
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